

REMARKS

The Notice of Non-Compliant Amendment objected to the previously filed amendment for not addressing the double patenting rejection.

However, several documents were filed on November 4, 2009, which appear in PAIR in the following order:

- A first amendment, corresponding to EFS ID 6391651, which did not include a response to the double patenting rejection,
- An IDS including foreign references and NPL documents, and
- A letter requesting removal of the amendment corresponding to EFS ID 639165 and replacing the first amendment with a second amendment.
- The second amendment, which included a response to the double patenting rejection, was attached to the letter.

Thus, a fully responsive amendment was filed.

The undersigned contacted Examiner Nguyen by telephone to explain these facts, and to request that the fully responsive to the outstanding Official Action be considered.

However, Examiner Nguyen required a written response to the Notice.

Should the Examiner not be able to locate the amendment intended for consideration, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

A favorable action on the merits is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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